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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,305	11/02/2005	Ludger Graute	KKRT-00601-NUS	4991
33794	7590	12/03/2007		
MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079			EXAMINER LUGO, CARLOS	
			ART UNIT 3673	PAPER NUMBER
			NOTIFICATION DATE 12/03/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTORECEIPT@GMAIL.COM
IPRECEIPT@GMAIL.COM

Office Action Summary

Application No.

10/555,305

Applicant(s)

GRAUTE ET AL.

Examiner

Carlos Lugo

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. The applicant is advise and reminded that a possible restriction requirement could be made on the record in the future depending of the applicant's answer to the 112 2nd paragraph rejection made bellow.

Specification

2. The abstract of the disclosure is objected to because of the phrase "this invention".
Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 11-28 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11,20 and 29 recites a multifunctional lever. However, the claim language is unclear how this lever is "multifunctional" or with respect to what the applicant can name this lever "multifunctional". Therefore, in order to continue with the examination, the term "multifunctional" would be considered as a label having no patentable weight.

Further, as to claims 11 and 20, the basic lever is used for performing an actuation function. However, the limitation makes unclear what the applicant is trying to claim as his invention, the lever or the combination of the lever with a lock system.

Therefore, in order to continue with the examination, the claims would be considered as the combination. Appropriate correction and explanation is required (see election section above).

Further, the applicant is reminded that the use of reference characters is to be considered as having no effect on the scope of the claims. However, the claims requires one or more additional levers (2,3) separate from and connected to the basic lever (1). This makes the claims indefinite since lever 3 is not separate from the basic lever; the lever and the basic lever are form together. Appropriate correction and/or explanation are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 11-36 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,641,184 to Erices et al (Erices '184) in view of JP Pat No 8218710 to Tatsuhiro et al (Tatsuhiro).

Erices '184 discloses a "multifunctional" lever comprising a basic lever (5) and lever elements (5',10 and 16). The "multifunctional" lever is used in combination with a door latch comprising a claw (3) and a pawl (4). The basic lever and the lever elements are made of one of the group consisted of metal, plastic or a combination of metal and plastic. The basic lever and the lever elements have the same axis of

rotation (20) and are mechanically actuated achieved by a driving wheel (9) of a motor driven device (6).

However, Erices '184 fails to disclose that one of the lever elements is a separate member connected to the basic lever.

Tatsuhiro teaches that it is well known in the art to provide a basic lever (51) connected to a separate lever element (52).

The fact that the connection is either a rivet, a weld, a bolt, a clip, a snap-fit, a weld or glue is considered as a design consideration within the art that has no patentable weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the "multifunctional" lever described by Erices '184 as separate elements connected together, as taught by Tatsuhiro, since separate elements connected together instead of a one-piece embodiment, is a design consideration within the skill of the art.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'CL' followed by a long horizontal stroke.

Carlos Lugo
Primary Examiner
Art Unit 3673

November 19, 2007.